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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,443	11/07/2000	Steve King	CROSS1350-1	9726

25094 7590 09/13/2004

GRAY, CARY, WARE & FREIDENRICH LLP
2000 University Avenue
E. Palo Alto, CA 94303-2248

EXAMINER	
STEVENS, ROBERTA A	

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/707,443	KING ET AL.	
	Examiner	Art Unit	
	Roberta A Stevens	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 November 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,8-11 and 13-24* is/are rejected.

7)☒ Claim(s) *6, 7 and 12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8-11 and 13-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumenau (U.S. 6574667 B1).

3. Regarding claim 1, Blumenau teaches (figures 2, 3 and 6) a method for reducing routing latency of a switching platform in a fibre channel network, comprising the steps: identifying at least one port from a set of ports in the switching platform having a functional state below a predetermined threshold state being a minimally operational state (col. 6, lines 6-13); modifying port control instructions associated with the at least one port for reflecting the operational state according to the identification of the port (col. 6, lines 14-19); operating the switching platform according to the modified port control instructions for reducing polling of the set of ports by polling only ports that indicate being at or above the threshold state (col. 6, lines 20 – 24).

4. Regarding claim 2, Blumenau teaches (figures 2, 3 and 6) a method implemented in a switch having a plurality of ports, comprising: executing a plurality of instructions for polling a set of operational ports to determine whether they have frames to be routed, wherein the ports are polled in a repeated sequential fashion (col. 5, line 40 – col. 6, line 5); examining the plurality of ports to identify one of the operational ports which becomes non-operational (col. 6, lines 6-13);

modifying a set of instructions corresponding to the identified non-operational port, so that it is not polled (col. 6, lines 14-19); continuing to execute the plurality of instructions (col. 6, lines 20 – 24).

5. Regarding claim 3, Blumenau teaches (col. 6) monitoring the ports to detect changes in operational states of the ports.

6. Regarding claim 4, Blumenau teaches (col. 6) replacing a first instruction in the set of instructions corresponding to the identified non-operational port with a branch instruction.

7. Regarding claim 5, Blumenau teaches (col. 6) the branch instruction causes execution of the plurality of instructions to jump to a set of instructions corresponding to a subsequent port.

8. Regarding claim 8, Blumenau teaches (cols. 15-16) examining the ports to identify a non-operational port, which becomes operational; modifying the instructions so that the operational port is polled; and continuing to execute the instructions.

9. Regarding claim 9, Blumenau teaches (cols. 15-16) a branch instruction causes execution of the plurality of instructions to jump to a set of instructions corresponding to a subsequent port.

10. Regarding claim 10-11, Blumenau teaches (cols. 15-16) replacing the branch instructions with a set of instructions configured to poll the identified operational port to determine if there are frames to be routed.

11. Regarding claims 13 and 18, Blumenau teaches (col. 6) invalidating at least a portion of an instruction cache after modifying the set of instructions so the non-operational port is not polled.

12. Regarding claim 14, Blumenau teaches (figures 2, 3 and 6) a method implemented in a switch having a plurality of ports, comprising: executing a plurality of instructions for polling a set of operational ports to determine whether they have frames to be routed, wherein the ports are polled in a repeated sequential fashion (col. 5, line 40 – col. 6, line 5); examining the plurality of ports to identify a non-operational ports which becomes operational (cols. 15-16); modifying a set of instructions corresponding to the identified operational port, so that it is polled (cols. 15-16; continuing to execute the plurality of instructions.

13. Regarding claim 15, Blumenau teaches (figures 2, 3 and 6) a method for detecting routing latency of a switching platform, comprising: monitoring a set of ports in the switching platform; identifying ones that undergo a change of operational state (col. 6); modifying port control instructions associated with the ones that reflect current operational states (col. 6), wherein if the port is operational, the instructions are configured to poll the port for frames to be routed (cols.

15-16), and if the port is non-operational, the instructions are configured to branch to a subsequent port (col. 6).

14. Regarding claims 16 and 19, Blumenau teaches (col. 6) ports having a level of functionality below a predetermined threshold level are considered non-operational and ports having a level of functionality at or above the predetermined threshold level are considered operational.

15. Regarding claim 17, Blumenau teaches (figures 2, 3 and 6) a switch comprising: a plurality of ports, wherein each of the plurality of ports has an associated state, wherein the state of each of the ports can be either operational or non-operational, wherein operational ports are configured to receive frames for routing, and wherein non-operational ports do not receive frames (col. 6); at least one CPU, configured to execute the polling loop, wherein the polling loop contains instructions corresponding to each of the ports, configured to poll the corresponding port of it is operational and to skip the port if it is non-operational, the cpu is configured to monitor the ports to identify a change in state and to modify the instructions in the polling loop corresponding to the ports poll identified as operational and to skip the non-operational ports (col. 6).

16. Regarding claim 20, Blumenau teaches (col. 6, lines 54-59) CPU is configured to modify the instructions in the polling loop by overwriting one or more instructions in the polling loop with replacement instructions.

17. Regarding claim 21, Blumenau teaches (col. 6, lines 54-59) a memory coupled to the CPU to store the replacement instructions.

18. Regarding claim 22, Blumenau teaches (col. 6, lines 54-59) the memory is a read-only memory.

19. Regarding claim 23, Blumenau teaches (col. 6) upon detection of a non-operational port, the CPU to overwrite the instructions in the polling loop with a branch instruction, including a target address corresponding to a subsequent port.

20. Regarding claim 24, Blumenau teaches (cols. 6 and 15-16) upon detection of a operational port, the CPU overwrites the instructions in the polling loop corresponding to the detected port with the replacement instructions configured to poll the port and route frames at the port.

Allowable Subject Matter

21. Claims 6, 7 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

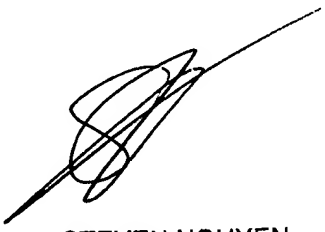
Conclusion

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberta A Stevens whose telephone number is 571-272-3161. The examiner can normally be reached on M-F 9:00 am - 5:30 pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Stevens
Examiner
Art Unit 2665



STEVEN NGUYEN
PRIMARY EXAMINER